



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Social and Health Services, Economic Services Administration

- ☒ Preproposal Statement of Inquiry was filed as WSR 06-11-059 ; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

WAC 388-450-0185, Does the department count all of my income to determine my eligibility and benefits for Basic Food?
WAC 388-450-0190, How does the department figure my shelter cost income deduction for Basic Food?
WAC 388-478-0060, What are the income limits and maximum benefit amounts for Basic Food?

Hearing location(s):

Blake Office Park East – Rose Room
4500 – 10th Ave. SE
Lacey, Washington 98503
(One block north of the intersection of Pacific Ave. SE
and Alhadeff Lane. A map or directions are available
at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or
by calling 360-664-6097)

Date: **September 26, 2006** Time: **10:00 am**

Submit written comments to:

Name: DSHS Rules Coordinator
Address: PO Box 45850, Olympia WA, 98504
Delivery: 4500 – 10th Ave. SE, Lacey, Washington 98503
E-mail: fernaax@dshs.wa.gov Fax: (360) 664-6185
by **5:00 p.m. September 26, 2006**

Assistance for persons with disabilities: Contact Stephanie Schiller, DSHS Rules Consultant by September 22, 2006
TTY (360) 664-6178 or (360) 664-6097 or
by e-mail at schilse@dshs.wa.gov

Date of intended adoption: No earlier than September 27, 2006 (Note: This is **NOT** the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The rules provide standards used to determine eligibility and monthly benefit levels for the Washington Basic Food Program and the Washington Combined Application Project (WASHCAP) program.

The proposed changes update the standard deduction for Basic Food, the maximum shelter deduction for households that do not include a person with a disability, gross income standards, net income standards, 165% standard, and the maximum benefit amount for Basic Food and WASHCAP households with no net income. These rules will also be filed by emergency adoption effective 10-01-06 because federal implementation timeframes do not allow sufficient time to make the changes using the regular adoption process.

Reasons supporting proposal:

Under 7 CFR 273.9 and the approved waiver the department uses to administer the WASHCAP program, the department must update the standards contained in these rules on an annual basis. The United States Department of Agriculture, Food and Nutrition Services (FNS) provides the updated standards on or near the first day of August each year to be effective with the new Federal Fiscal Year each October.

Statutory authority for adoption: RCW 74.04.005; 74.04.050; 74.04.055; 74.04.057; 74.04.510; 74.08.090

Statute being implemented: RCW 74.04.005; RCW 74.04.050; 74.04.055; 74.04.057; 74.04.510; 74.08.090

Is rule necessary because of a:

Federal Law?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION: 7 CFR 273.9

DATE

8/17/06

NAME (type or print)

Andy Fernando

SIGNATURE**TITLE**

Manager, Rules and Policies Assistance Unit

CODE REVISER USE ONLY

CODE REVISER'S OFFICE STATE OF WASHINGTON FILED	
AUG 23 2006	
TIME	9:25 AM
WSR	06-17-174

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization)

Department of Social and Health Services

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... John Camp	1009 College SE, Lacey, WA 98504	(360) 725-4116
Implementation..... John Camp	1009 College SE, Lacey, WA 98504	(360) 725-4116
Enforcement..... John Camp	1009 College SE, Lacey, WA 98504	(360) 725-4116

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone: ()

Fax: ()

E-mail:

☒ No. Explain why no statement was prepared.

This proposed rule does not have an economic impact on small businesses, it only affects DSHS clients by setting standards used to determine eligibility and benefit levels for the Washington Basic Food Program and WASHCAP programs.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone: ()

Fax: ()

E-mail:

☒ No: Please explain: These amendments are exempt as allowed under RCW 34.05.328(5)(b)(vii) which states in-part, "[t]his section does not apply to....rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

AMENDATORY SECTION (Amending WSR 05-21-101, filed 10/18/05, effective 11/18/05)

WAC 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food? We subtract the following amounts from your assistance unit's (AU's) countable income before we determine your Basic Food benefit amount:

(1) A standard deduction based on the number of people in your AU under WAC 388-408-0035:

Eligible and ineligible AU members	Standard deduction
1	\$134
2	\$134
3	\$134
4	\$((134)) <u>139</u>
5	\$((157)) <u>162</u>
6 or more	\$((179)) <u>186</u>

(2) Twenty percent of your AU's gross earned income (earned income deduction);

(3) Your AU's expected monthly dependent care expense as described below:

(a) The dependent care must be needed for AU member to:

(i) Keep work, look for work, or accept work;

(ii) Attend training or education to prepare for employment;

or

(iii) Meet employment and training requirements under chapter 388-444 WAC.

(b) We subtract allowable dependent care expenses that are payable to someone outside of your AU:

(i) Up to two hundred dollars for each dependent under age two; and

(ii) Up to one hundred seventy-five dollars for each dependent age two or older.

(4) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200.

(5) Legally obligated current or back child support paid to someone outside of your AU:

(a) For a person who is not in your AU; or

(b) For a person who is in your AU to cover a period of time when they were not living with you.

(6) A portion of your shelter costs as described in WAC 388-450-0190.

WAC 388-450-0190 How does the department figure my shelter cost income deduction for Basic Food? The department calculates your shelter cost income deduction as follows:

(1) First, we add up the amounts your assistance unit (AU) must pay each month for shelter. We do not count any overdue amounts, late fees, penalties or mortgage payments you make ahead of time as an allowable cost. We count the following expenses as an allowable shelter cost in the month the expense is due:

- (a) Monthly rent, lease, and mortgage payments;
- (b) Property taxes;
- (c) Homeowner's association or condo fees;
- (d) Homeowner's insurance for the building only;
- (e) Utility allowance your AU is eligible for under WAC 388-450-0195;

(f) Out-of-pocket repairs for the home if it was substantially damaged or destroyed due to a natural disaster such as a fire or flood;

(g) Expense of a temporarily unoccupied home because of employment, training away from the home, illness, or abandonment caused by a natural disaster or casualty loss if your:

- (i) AU intends to return to the home;
- (ii) AU has current occupants who are not claiming the shelter costs for Basic Food purposes; and
- (iii) AU's home is not being leased or rented during your AU's absence.

(2) Second, we subtract all deductions your AU is eligible for under WAC 388-450-0185 (1) through (5) from your AU's gross income. The result is your AU's net income.

(3) Finally, we subtract one-half of your AU's net income from your AU's total shelter costs. The result is your excess shelter costs. Your AU's shelter cost deduction is the excess shelter costs:

(a) Up to a maximum of four hundred seventeen dollars if no one in your AU is elderly or disabled; or

(b) The entire amount if an eligible person in your AU is elderly or disabled, even if the amount is over four hundred seventeen dollars.

AMENDATORY SECTION (Amending WSR 05-21-101, filed 10/18/05, -
effective 11/18/05)

WAC 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food? If your assistance unit (AU) meets all other eligibility requirements for Basic Food, your AU must have income at or below the limits in column B and C to get Basic Food, unless you meet one of the exceptions listed below. The maximum monthly food assistance benefit your AU could receive is listed in column D.

EFFECTIVE 10-1-((05))2006

Column A Number of Eligible AU Members	Column B Maximum Gross Monthly Income	Column C Maximum Net Monthly Income	Column D Maximum Allotment	Column E 165% of Poverty Level
1	\$((1037)) <u>1062</u>	\$((798)) <u>817</u>	\$((152)) <u>155</u>	\$((1316)) <u>1348</u>
2	((1390)) <u>1430</u>	((1070)) <u>1100</u>	((278)) <u>284</u>	((1765)) <u>1815</u>
3	((1744)) <u>1799</u>	((1341)) <u>1384</u>	((399)) <u>408</u>	((2213)) <u>2283</u>
4	((2097)) <u>2167</u>	((1613)) <u>1667</u>	((506)) <u>518</u>	((2661)) <u>2750</u>
5	((2450)) <u>2535</u>	((1885)) <u>1950</u>	((601)) <u>615</u>	((3109)) <u>3218</u>
6	((2803)) <u>2904</u>	((2156)) <u>2234</u>	((722)) <u>738</u>	((3558)) <u>3685</u>
7	((3156)) <u>3272</u>	((2428)) <u>2517</u>	((798)) <u>816</u>	((4006)) <u>4153</u>
8	((3509)) <u>3640</u>	((2700)) <u>2800</u>	((912)) <u>932</u>	((4454)) <u>4620</u>
9	((3863)) <u>4009</u>	((2972)) <u>3084</u>	((1026)) <u>1049</u>	((4903)) <u>5088</u>
10	((4217)) <u>4378</u>	((3244)) <u>3368</u>	((1140)) <u>1166</u>	((5532)) <u>5556</u>
Each Additional Member	+((354)) <u>369</u>	+((272)) <u>284</u>	+((114)) <u>117</u>	+((449)) <u>468</u>

Exceptions:

(1) If your AU is categorically eligible as under WAC 388-414-0001, your AU does not have to meet the gross or net income

standards in columns B and C. We do budget your AU's income to decide the amount of Basic Food your AU will receive.

(2) If your AU includes a member who is sixty years of age or older or has a disability, your income must be at or below the limit in column C only.

(3) If you are sixty years of age or older and cannot buy and cook your own meals because of a permanent disability, we will use column E to decide if you can be a separate AU.

(4) If your AU has zero income, your benefits are the maximum allotment in column D, based on the number of eligible members in your AU.